

**Carbon Neutrality and Climate  
Resilience Action Plan**  
*Strategic Environmental Assessment and  
Habitat Regulations Assessment*  
*Screening Report*

<b>Version</b>	<b>Purpose</b>	<b>Date</b>
1	For internal consultation with Legal	13/07/2020
2	For consultation with Consultation Bodies	11/08/2020
3	For Publication and Committee Agendas	02/10/2020

# ***Carbon Neutrality and Climate Resilience Plan***

## ***SEA/HRA Screening Report***

### **Contents**

1. Introduction and Summary.....	3
2. SEA Screening.....	4
3. HRA Screening.....	13

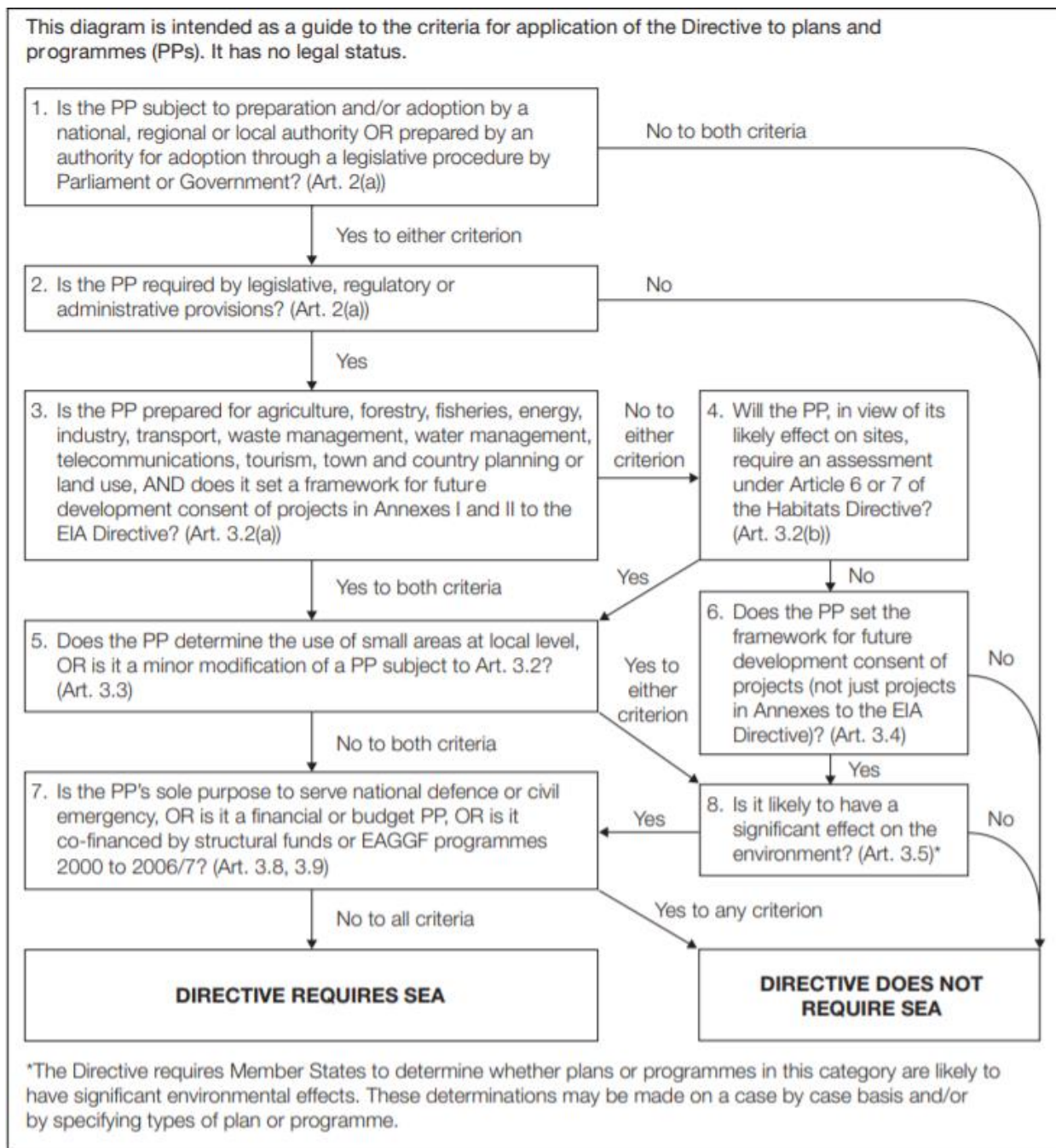
## **1. Introduction and Summary**

- 1.1 In February 2019, the then Shadow Council declared a Climate Emergency, and committed to working towards making the Council and the district as a whole carbon neutral by 2030. As a result of this, the Council has been jointly working on a Somerset Climate Emergency Strategy with the other Somerset authorities, and also on its own Carbon Neutrality and Climate Resilience (CNCR) Action Plan.
- 1.2 The purpose of this Report is to determine whether the CNCR Action Plan should be subject to:
- a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations); or
  - a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010.
- 1.3 Under the above pieces of legislation, an SEA is required for all plans which may have a significant effect on the environment; and an HRA is required when it is deemed that the implementation of the plan is likely to cause significant negative effects upon protected European Sites (Natura 2000 sites).
- 1.4 The conclusion of the assessment is that the CNCR Action Plan is that the Plan does not require full SEA or HRA to be conducted.**
- 1.5 A draft Screening Report was sent to the three statutory consultees designated in the regulations (Historic England, Environment Agency and Natural England) for their views. This final report takes account of the comments received.

## 2. SEA Screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC (SEA Directive), transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA is *"to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans... with a view to promoting sustainable development"* EU Directive 2001/42/EC (Article 1).
- 2.3 Under Article 2(a) of the SEA Directive, a plan or programme requires an SEA to be conducted where they are:
- *"subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and*
  - *required by legislative, regulatory or administrative provisions."*
- According to the ODPM guidance, "administrative provisions" are *"likely to be that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared"*.
- 2.4 There is no guidance definitively stating that a plan such as the CNCR Action Plan should require SEA. However, the Council is legally obliged to advise on whether it is their opinion that an SEA is required or not.
- 2.5 In order to determine whether or not an SEA is required, a "screening" exercise has been undertaken by the Council. The screening evaluates the contents of the CNCR Action Plan against the criteria set out in the SEA Directive. These criteria are presented over the page in Figure 1.
- 2.6 Should the screening conclude that the CNCR Action Plan is applicable and will have a "significant impact on the environment", then a full SEA will be required. Should the conclusion be that an SEA is not required, then any future significant variations or additions to the Plan will need to be subject to further screening.

Figure 1 – Application of the SEA Directive to plans and programmes



### The CNCR Action Plan

- 2.7 The Council's CNCR Action Plan has been developed in response to the Council declaring a Climate Emergency at a [meeting of the Shadow Council in February 2019](#). As part of this, the Council resolved to develop a Carbon Neutrality and Climate Resilience Plan and to annually review and update that plan.
- 2.8 The Plan sets out the Council's commitments and identifies a number of actions that could contribute towards the Council's targets of carbon neutrality, climate resilience or a combination of both. They represent the Council's current understanding of the actions that will be required, but the plan is iterative, to be

reviewed annually. As such, in future years, actions may be added or removed as understanding of what is necessary and the best approach to take improves. The main Plan document focuses on the detail of the Council's Year 1 Action Plan and identifies broad routemaps for key issues, but a full list of potential actions is contained as an appendix.

- 2.9 Each action can be linked back to one of three strategic goals, taken from the emerging Somerset Climate Emergency Strategy as well as the Council's [Corporate Strategy](#). Therefore, the CNCR effectively sits as a subset of these higher level strategies.
- 2.10 The Plan identifies actions and broad directions of travel as well as guiding principles, but does not set policy or requirements in itself. The will be a corporately adopted document, designed to influence and guide corporate work planning, budget setting and decision making as well as convene wider community action around the district.
- 2.11 In terms of town and country planning, the Plan will become a material consideration in the determination of planning applications, and will directly influence development of the new Local Plan to 2040, but it will not become a formal Supplementary Planning Document (SPD), or Development Plan Document (DPD). The Plan does not allocate any land for development.

### **The SEA Screening Assessment**

2.12 Table 1, below contains the criteria from Figure 1, above. It identifies whether the Council considers the answer to each criterion to be Yes or No, and gives the reason for this conclusion.

Stage	Y/N	Reason
1. Is the Plan or Programme (PP) subject to preparation and/or adoption by a national, regional or local authority <b>OR</b> prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Plan has been prepared and will be adopted by Somerset West and Taunton Council. However, it will not be adopted through a legislative procedure.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The Plan is not formally <i>required</i> by any legislative, regulatory or administrative provisions. The Council resolved to develop the Plan at the Shadow Council in February 2019. This <i>may</i> , in some interpretations, be considered to be a requirement by an administrative provision. The Plan will be publicly available, has been prepared in a reasonably formal way involving consultation with interested parties. However, the language of the Shadow Council resolution is more a statement of commitment that the plan would be

		prepared, rather than a formal requirement.
--	--	---

2.13 As a result of the above, the conclusion of the SEA Screening is that the SEA Directive does not require the CNCR Action Plan to be subject to full SEA.

2.14 However, taking a more critical view of criterion 2, based on a more rigorous interpretation of the term of "administrative provisions" further criteria have been considered to show the outcome of the assessment should the answer to criterion 2 be considered by some to be "yes".

Stage	Y/N	Reason
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, <b>AND</b> does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	The Plan includes actions relating to agriculture, forestry, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning and land use, including potentially in relation to some of the projects referred to in Annex I and II of the EIA Directive. However, the Plan does not set a formal framework for the determination of future development consent of such projects.
4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N	See section 3 of this Screening Report in relation to HRA Screening.
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	N	Once adopted the Plan will represent a material consideration in the determination of planning applications, but it does not constitute policy as part of the development plan. The Plan also does not contain specific criteria or conditions against which the Council as the Local Planning Authority would decide an application for planning permission. It therefore does not set a formal framework for future development consents. In addition, the Plan will influence the production of a new Local Plan to 2040, the policies of which will be subject to SA/SEA as a matter of course in the development of that Plan.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in Table 2 of this report, below.



2.15 Criterion 8 requires an assessment of whether the Plan is likely to have a significant effect on the environment in reference to Article 3.5 of the SEA Directive. Schedule 1 of the SEA Regulations contains the criteria for determining the likely significance of effects on the environment. Table 2, below contains the criteria from Schedule 1 of the SEA Regulations and an assessment of whether the Plan would likely have a significant environmental effect or not.

Table 2 – Environmental impact screening assessment

<b>Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)</b>	<b>Is the strategy likely to have a significant environmental effect?</b>	<b>Justification for Screening Assessment</b>
The characteristics of plans and programmes:		
a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	N	The Plan identifies a number of commitments that the Council is making for the first year after approval of the Plan associated with the mitigation of and adaptation to climate change. In addition to this, the Plan identifies a large number of potential actions over "immediate", "short-term", "medium-term" and "long-term" timescales. To this extent, the Plan sets a framework for projects and activities. However, this is only at a high level in relation to location, nature, size and operating conditions. Further to this, the framework for the Plan and the actions within it have been set by the Council's Corporate Strategy and are rooted in the strategic goals of the emerging Somerset Climate Emergency Strategy (which may itself be subject to SEA Screening). The priority actions of the Plan have been identified partly through consideration of potential staffing resources, however the Plan itself does not allocate staffing or financial resources in itself. Decisions relating to resource allocation and definitive decisions to proceed with specific projects will be subject to business case development and approval.
b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	N	The Plan identifies the Council's role in relation to a large number of potential actions as delivering, enabling, supporting or lobbying. A number of the actions cross reference to other plans, including identifying actions to develop new planning

		policy in relation to specific issues through the new Local Plan to 2040. In this way, the Plan will influence the production of other plans and programmes, as well as the Council's corporate processes. However, it is considered that the degree of influence of this Plan is limited, particularly as this Plan itself is directly and significantly influenced by the Council's Corporate Strategy and the emerging Somerset Climate Emergency Strategy.
c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	N	The Plan is specifically aimed at identifying the ways in which the Council will deliver, enable, support and lobby to take action on climate change. Environmental considerations and the contribution to the achievement of sustainable development are integral to the Plan. However, the integration of these aspects into corporate priorities has already been achieved via the Council's Corporate Strategy, and therefore this Plan is merely underlining a process which is already in place.
d) environmental problems relevant to the plan or programme;	N	The Plan sets out the Council's contribution towards action to mitigate and adapt to climate change. In many cases, the Council will not be the only, or even the main contributor to action/project delivery. Therefore, it is difficult to quantify the Council's or this Plan's contribution as a part of this. The Plan is designed to encourage positive action cumulatively along with other local, regional, national and international plans, resulting in positive impacts and effects upon the environment. Whilst the impacts of local action should not be underestimated, the Plan in isolation is unlikely to result in significant impacts on mitigating or adapting to climate change, either generally or in the context of the UK.
e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	N	The potential actions identified by the Plan are primarily designed to work towards mitigation of and adaptation to climate change. That being said, there will be clear linkages to issues such as water quality, air quality, waste management, nitrate pollution and habitat protection; all of which are covered by various pieces of Community legislation. The specific linkages, impacts and relevances are not known at this stage beyond a high level

		<p>assumption that there may be co-benefits of action in many cases. The Plan makes it clear that actions should not be narrowly defined by simply a need to reduce emissions, sequester carbon or reduce flood risk for instance, but should look to build on these potential co-benefits. Therefore, there is likely to be scope for positive relevance of the Plan to the implementation of other Community legislation and the environment.</p>
<p>Characteristics of the effects and of the area likely to be affected:</p>		
<p>a) the probability, duration, frequency and reversibility of the effects;</p>	<p>N</p>	<p>The Plan identifies a large number of potential actions that are considered to likely be necessary for the Council and the district to work towards carbon neutrality. However, the Plan on its own does not provide any measures of ensuring that these actions and measures will be implemented, and there is little within the Plan as to the details of individual projects that can enable an assessment of specifics. Generally, however, the Plan is intended to (alongside other plans, programmes and projects locally, regionally, nationally and internationally) encourage major, permanent shifts in behaviours, processes and developments, ultimately leading to the delivery of positive outcomes for the environment. Some actions may be one-off, others may influence on-going approaches and processes.</p>
<p>b) the cumulative nature of the effects;</p>	<p>N</p>	<p>The Plan will in combination with other plans of this nature locally, regionally, nationally and internationally, have a positive effect on the environment when considered together. However, in isolation, its effects will be limited.</p>
<p>c) the transboundary nature of the effects;</p>	<p>N</p>	<p>The potential actions identified in the Plan are unlikely to have any transboundary effects.</p>
<p>d) the risks to human health or the environment (for example, due to accidents);</p>	<p>N</p>	<p>The Plan seeks to address climate change which in itself poses a significant risk to human health and the environment both locally and globally. Beyond this general aspiration, it is not envisaged that this Plan will, on its own, have a positive impact upon more specific risks to human health, although it will contribute to addressing such in combination with other plans and programmes. As an example, it is hoped</p>

		that it will contribute to the UK's legally binding duty to decarbonise by 2050. There are a large number of potential actions that are identified as having potential to deliver co-benefits in relation to health and wellbeing (for instance actions around active travel which may result in reduced air quality concerns and improved physical and mental health for individuals). However, the specifics of projects and specific impacts/effects that they will have is not clear at this stage. In the meantime, concerns exist about the environmental impacts associated with the mining, production and disposal of batteries for use in electric cars and energy storage, however, the Plan has no tangible influence on that process and the Plan is acting on the recommendations of the Committee on Climate Change and direction that Government policy suggests is necessary.
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The Plan covers the full extent of the Somerset West and Taunton district. Some actions may be relevant to specific areas and populations within the district, and some actions may be part of wider actions/projects that extend beyond the district (for instance pan-Somerset). However, the effects of the Plan are likely to be restricted almost entirely to the district area. Generally, the effects of the Plan are anticipated to be positive.
f) the value and vulnerability of the area likely to be affected due to - i) special natural characteristics or cultural heritage; ii) exceeded environmental quality standards or limit values; or iii) intensive land-use; and	N	The district of Somerset West and Taunton has a number of special natural characteristics which make it vulnerable to climate change. The Plan identifies these vulnerabilities at a high level, particularly focusing on risks associated with sea level rise, coastal change and flooding. The Plan identifies a number of potential actions which begin to address these vulnerabilities and as such should contribute towards positive effects on these areas of the district, which would otherwise be adversely impacted by climate change. However, on the basis of the information available to the Council, there is no evidence at present of special levels of vulnerability within the district, any significant exceeding of standards or limits values, or any evidence of unduly intensive

		land use, The district has a relatively high concentration of historical assets including Listed Buildings, Conservation Areas and Scheduled Ancient Monuments. There is little within the Plan as to the details of individual projects that can enable an assessment of specific effects and impacts upon these assets to be established at this stage. As actions are developed into more detailed projects and proposals they will need to be carefully considered to ensure that detrimental impacts are avoided and minimised. However, the Plan recognises the risks posed by climate change to the historic environment, as well as the need to consider heritage impacts in a number of places within it. It also recognises the positive contribution that the historic environment can make, particularly with regards to re-use and retrofit of existing buildings in terms of embodied carbon and compatibility with conservation objectives. There are particular cases of heritage assets identified as Heritage at Risk within the district where the particular reasons for their being 'at risk' is at least partly related to climate change. The Plan identifies the positive potential impacts of re-opening Wellington Station on efforts for heritage at risk regeneration.
g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	N	The Plan identifies a large number of potential actions, but their high level nature makes it impossible to establish whether or not there could be significant effects upon the area's protected sites and landscapes. As actions are developed into more detailed projects and proposals they will need to be carefully considered to ensure that detrimental impacts are avoided and minimised.

### ***SEA Screening Conclusion***

2.16 **The CNCR Action Plan does not require Strategic Environmental Assessment. However, it is important that relevant individual projects are subject to project level Environmental Assessment as their detail is developed to understand if significant effects may arise.**

### 3. HRA Screening

- 3.1 The basis for Habitat Regulations Assessment legislation is the European Habitats Directive 92/43/EEC (Habitats Directive), transposed into English law by the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations).
- 3.2 The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context. Habitat Regulations Assessment (HRA) is a systematic process through which plans or projects are assessed for likely impact on the integrity of European Sites. European Sites, (also referred to as Natura 2000 sites), consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- 3.3 There are seven Natura 2000 sites within the Somerset West and Taunton district, as set out in Table 3 below:

Table 3 – European Sites / Natura 2000 sites within Somerset West and Taunton district.

European Sites / Natura 2000 sites
Exmoor and Quantock Oak Woodlands SAC
Hestercombe House SAC
Holme and Clean Moor SAC
Quants SAC
Severn Estuary SPA/SAC/Ramsar
Somerset Levels and Moors SPA/Ramsar
Exmoor Heaths SAC

- 3.4 Article 6(3) of the Habitats Directive states that:  
*"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives".*
- 3.5 Under the Habitat Regulations, the Council is considered to be a "competent authority". Regulation 63(1) of the Habitat Regulations states that:  
*"A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –*  
*a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*  
*b) is not directly connected with or necessary to the management of that site,*  
*must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives."*
- 3.6 The first stage of the HRA process is to establish whether a "significant effect" is likely. This is referred to as screening. If the screening assessment concludes that a significant effect is not likely then no further action is required. If the screening assessment identifies potential effects and deems them to be significant, then further "Appropriate Assessment" is required.

3.7 In order to establish whether the CNCR Action Plan is likely to have any significant effects upon the European Sites, this Screening assessment considers the Plan in relation to four steps based around the Screening methodology set out in the Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2001) as set out in Table 4, below.

Table 4 – Screening steps and responses

Question	Y/N	Reason
1. Is the PP directly connected with, or necessary to the management of a European site for nature conservation?	N	The Plan is of a high level nature and does not directly influence or set policy necessary to the management of any European Site.
2. Are there any other PPs that could in combination with this PP have potential to have significant effects upon a European Site?	Y	<p>The Plan identifies the Council's role in relation to a large number of potential actions as deliver, enable, support or lobby. A number of the actions cross reference to other plans, including identifying actions to develop new planning policy in relation to specific issues through the new Local Plan to 2040. The Plan will influence the production of other plans and programmes, as well as the Council's corporate processes. However, the Plan is directly influenced by the Council's Corporate Strategy and the emerging Somerset Climate Emergency Strategy (which may itself be subject to HRA Screening). The Plan sets out the Council's contribution towards action to mitigate and adapt to climate change. In many cases, the Council will not be the only, or even the main contributor to action/project delivery. Therefore, it is difficult to identify the specific significance of the Council's or this Plan's contribution as a part of this. The Plan identifies where biodiversity related co-benefits are envisaged and is designed to result in positive action and, cumulatively, along with other local, regional, national and international plans, result in positive impacts and effects upon the environment.</p> <p>The new Local Plan to 2040 (which will be a means to implement a number of the actions identified within the Plan) may have potential to have significant effects upon a European Site. The Local Plan process will be subject to Appropriate Assessment as a matter of course. The HRA published alongside the Local Plan 2040 Issues and Options document earlier in 2020 describes the characteristics and potential issues of relevance for each of the European Sites and assesses the Local Plan policy options for likely effects upon the Sites.</p>

		A key action of the Plan is to work with partners to develop a Nature Recovery Network (NRN) Strategy, and this Strategy is intended to influence a number of the other actions identified within the Plan. The NRN Strategy (which will itself be subject to HRA Screening) will be specifically designed to result in positive effects upon plants, animals and habitats locally including within the European Sites.
3. Are there likely to be any potential effects upon the identified European Site(s)?	Y	The Plan is designed to result in positive environmental impacts. This includes in relation to the management of land, recovery of nature, greater emphasis on our natural capital and realising ecosystem services amongst other things. Specific details and projects are not yet known, but they could conceivably include projects aimed at protecting and enhancing European Sites. Many of the European Sites in question have species of bat as qualifying features. Targeted multi-benefit tree planting and hedgerow creation projects have the potential to directly enhance foraging and migrating landscapes for bats. Simply focusing on planting trees of any species to hit target numbers and sequestration/offsetting volumes could have negative effects upon European Sites if non-native and/or inappropriate species were used on or in close proximity to them. For both of the above reasons, there is mitigation built into relevant potential actions within the plan to align with the Nature Recovery Network Strategy and our own Green Blue Infrastructure Strategy so that a more holistic approach is taken building on potential co-benefits. Increased levels of Green and Blue Infrastructure (potentially including official Suitable Alternative Natural Green Spaces (SANGs)) in close proximity to populations and enhanced biodiversity offsetting as part of new developments have the potential to divert visitors away from European Sites. New renewable installations, particularly new wind turbines will need to be carefully planned to avoid and reduce detrimental effects upon biodiversity particularly those qualifying features of the European Sites. All of the above is not possible to assess at this high level stage, and will need to be assessed as more detail becomes clearer such as part of the HRA for the Local Plan to 2040 and/or at the project level.
4. What is the significance of the effects upon the identified European Site(s)?	N/A	The Plan is designed to result in positive environmental impacts. Overall positive impacts associated with potential actions around tree planting, hedgerow creation and Green and Blue Infrastructure provision for instance has the potential to have significant positive effects upon the



	<p>European Sites and qualifying features, but it is impossible to tell exactly how significant these effects might be at this stage as project detail (including location and relationship with European Sites) is not yet known. Potential negative effects of for instance renewable energy schemes could be significant if for instance new wind turbines were located in bird/bat migration paths or within European Sites. However, one potential action is to develop an evidence base to understand renewable resources and to enable sites to be allocated / identified as potentially suitable areas in the new Local Plan to 2040. This will require evidence accounting for biodiversity impact and effects upon European Sites. The HRA for the Local Plan will assess any proposals within it.</p>
--	--

***HRA Screening Conclusion***

- 3.8 **The CNCR Action Plan does not require Appropriate Assessment under HRA legislation. However, it is important that relevant individual projects are screened as their detail is developed to understand if significant effects may arise.**